



**COLCHESTER & DISTRICT
MILITARY LANDS
BYELAWS**

Made by the Secretary of State for Defence, under the provisions of Part II of the Military Lands Act 1892, for regulating the use of the above-mentioned lands.

STATUTORY INSTRUMENTS

1973 No. 1651

DEFENCE

The Colchester & District Military Lands Byelaws 1973

Made 25th September 1973

Coming into operation 10th December 1973

The Secretary of State for Defence in exercise of his powers under Part II of the Military Lands Act 1892(a), Section 2 of the Defence (Transfer of Functions) Act 1964 (b), and of all other powers enabling him in that behalf hereby makes the following Byelaws:-

LANDS AFFECTED

- 1.(1)The land to which these Byelaws apply consists of the land belonging to the Secretary of State appropriated for military purposes in the Borough of Colchester and in the Parishes of East Donyland, Abberton, Fingringhoe, Langenhoe, Colchester and Layer-de-la-Haye in the Rural District of Lexden and Winstree in the County of Essex, the boundaries of which are, for convenience of identification, shown by a black line on the plan annexed to these Byelaws and identified as "Plan of the Colchester and District Military Lands", all of which land is in these Byelaws referred to as "the Military Lands", which expression shall, unless the context otherwise requires, include all roads and footpaths upon the Military Lands and any part or parts as well as the whole of the said land and the phrase "the Military Lands" shall be construed accordingly.
- (2)Nothing in these Byelaws shall interfere with the lawful exercise by any person of any public right of way.

USE OF LANDS BY PUBLIC

2. Subject to the provisions of these Byelaws the public will be permitted to use any part of the Military Lands not being a road or unfenced arable land and on which there is no building or any other structure for purposes of passage and open-air recreation and any part of the Military Lands being a road for purposes of passage when any such part is not being used for any of the military purposes to which it is appropriated and access thereto may be obtained without over-

coming any obstruction or defying any prohibition or restriction at any time made or imposed by or on behalf of the Secretary of State.

CONTROL OF ROAD TRAFFIC

3. Every person proceeding on foot or riding, driving or propelling a vehicle of any kind on any road on the Military Lands shall comply with the directions, given orally or by signal, of a service policeman in uniform or any member of a police force or any special constable under the control of the Defence Council.

PROHIBITED ACTIVITIES

4. No person when on the Military Lands shall
- (1) enter on any part of the Military Lands access to which is not obtainable without overcoming an obstruction or defying a prohibition or restriction made or imposed by or on behalf of the Secretary of State, or
 - (2) light any fire, or
 - (3) drop or leave any lighted or live matches or burning cigarette ends, or do any other act or thing likely to cause an outbreak of fire, or
 - (4) deposit or leave any vehicle or domestic appliance or any broken glass or other rubbish or litter, or
 - (5) camp (whether in tents, caravans or otherwise), or bivouac, or sleep out, or
 - (6) ride, drive or propel a vehicle or any kind otherwise than on the carriageway of a road suitably constructed and made up for general use for vehicular traffic, or
 - (7) damage, injure, spoil or interfere with any building, wall, fence, gate, post, cattle grid or other thing erected, constructed or laid on or under the Military Lands, or
 - (8) damage, cut or deface any growing trees or shrubs, or remove any timber, trees, shrubs or wild flower roots, or
 - (9) cut any grass, turf or growing crops or remove the same, or
 - (10) graze any animal, or
 - (11) assemble or attempt to assemble or cause to assemble, or bring upon the Military Lands any number of persons for the purpose of a public or private meeting or otherwise, or address any such persons when assembled, or
 - (12) engage in or carry on any trade or business of any nature or kind whatsoever, or
 - (13) loiter, or commit any nuisance, or behave in any indecent or unseemly manner, or

- (14) engage in prostitution, or
- (15) engage in gaming, betting, or wagering, or
- (16) deposit or distribute or cause to be deposited or distributed any handbills, leaflets or other literature or printed matter of any description, or
- (17) affix any posters, bills or notices of any description in or on any buildings or other structures or on any tree, pillar, posts, bollard, wall, fence, railing, gate or other erection, or
- (18) ride, drive, conduct, use or employ or cause to be ridden, driven, conducted, used or employed any animal or vehicle of any kind either wholly or mainly for the purposes of advertisement, or
- (19) pursue or kill game or other birds or animals, or take or destroy any birds' eggs, or
- (20) fish in any waters, or
- (21) play organised games.

5. No person shall interfere with or remove from the Military Lands any materials, stores or articles belonging to the Army Department or otherwise the property of the Crown.

6. No person shall enter upon the Military Lands for the purpose of doing any act or thing prohibited by any of the foregoing Byelaws Nos. 4 or 5, and no person shall bring or cause to be brought on to the Military Lands any vehicle, animal, vessel or thing for the purpose of doing or facilitating the doing of any act or thing so prohibited.

WARNING OFF

- 7.(1) No person shall remain on the Military Lands after having been warned off by a person for the time being under the command of the General Officer Commanding, Eastern District or by a person acting under the authority and on behalf of the Officer in charge of the Military Lands.
- (2) No person, being the owner or person for the time being in charge of any vehicle, caravan, animal, vessel or thing upon the Military Lands, shall permit the same to remain upon the Military Lands after having been warned to remove the same by a person for the time being under the command of the General Officer Commanding, Eastern District or by a person acting under the authority and on behalf of the Officer in charge of the Military Lands.

OFFENCES

8. Any person doing anything prohibited by or otherwise contravening any provision of any of the preceding Byelaws Nos. 3 to 7 (inclusive) thereby commits an offence against the Byelaw so contravened.

ENFORCEMENT

9. The following persons are hereby authorised to remove from the Military Lands and to take into custody without warrant any person committing an offence against any of the said Byelaws, and to remove from the Military Lands any vehicle, animal, vessel or thing found on the Military Lands in contravention of any of the said Byelaws:-

- (a) The General Officer Commanding, Eastern District;
- (b) the Officer in charge of the Military Lands;
- (c) any officer, warrant officer, non-commissioned officer or rating of corresponding rank, or any service policeman, in uniform and being for the time being under the command of the said General Officer Commanding or of the Officer in charge of the Military Lands;
- (d) any person authorised in writing by or on behalf of the said General Officer Commanding or of the Officer in charge of the Military Lands; and
- (e) any member of a police force or any special constable under the control of the Defence Council.

EXEMPTIONS

10. (1) Nothing done by a person using the Military Lands for any of the military purposes to which they are for the time being appropriated if done in pursuance of such military purpose, shall be deemed to constitute an offence against any of these Byelaws.
- (2) Nothing done by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State or the General Officer Commanding, Eastern District or the Officer in charge of the Military Lands shall be deemed to constitute an offence against any of these Byelaws.

INTERPRETATION

11. The Interpretation Act, 1889(c) shall apply to the interpretation of these Byelaws as it applies to the interpretation of an Act of Parliament.

DATE OF OPERATION OF BYELAWS

12. (1) These Byelaws shall come into operation on the 10th day of December 1973, and may be cited as the Colchester and District Military Lands Byelaws 1973.
- (2) The Byelaws in respect of the Colchester District Military Lands dated the First day of August 1935 (d) are hereby revoked.

Dated this 25th day of September 1973.

(Signed) M.H. TALLBOYS

By order of the Secretary of State for Defence

NOTICES

PENALTY FOR OFFENCES

1. By section 17(2) of the Military Lands Act 1892, as amended by section 92 of and Schedule 3 to the Criminal Justice Act 1967, it is provided:-

If any person commits an offence against any Byelaw under this Act, he shall be liable, on conviction before a Court of Summary Jurisdiction, to a fine not exceeding TWENTY POUNDS, and may be removed by any Constable or Officer authorised in manner provided by the Byelaw from the area, whether land or water, to which the Byelaw applies, and taken into custody without Warrant, and brought before a Court of Summary Jurisdiction to be dealt with according to law, and any vehicle, animal, vessel or thing found in the area in contravention of any Byelaw may be removed by any Constable or such officer as aforesaid, and on due proof of such contravention, be declared by a Court of Summary Jurisdiction to be forfeited to Her Majesty.

INSPECTION OF BYELAWS AND PLAN

2. A copy of these Byelaws and a plan showing the lands to which these Byelaws apply may be inspected at the Office of the Garrison Commander, Colchester, the office of the Clerk to the Colchester Borough Council, Town Hall, High Street, Colchester, the office of the Clerk to the Lexden and Winstree Rural District Council, 127 Lexden Road, Colchester and the Police Station, Queen Street, Colchester. They may also be inspected at the Office of the Defence Land Agent, Property Services Agency, Defence Lands Office, Falmouth Avenue, Newmarket, Suffolk, where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

Plan of the COLCHESTER and DISTRICT Military Lands



Notwithstanding any fine limit mentioned in the above byelaws the current maximum fine as at 01/09/2008 is the sum of £500 being the maximum on level 2 of the standard scale.